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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:18-cr-00400-JAD-EJY

Plaintiff,

Stipulation to Continue Sentencing (Fourth Request)

vs.

JAVIER LUGO LEYVA,

Defendant.

It is stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney; Kevin D. Schiff, Assistant United States Attorney, counsel for the United States of America and Thomas A. Ericsson, Esq., counsel for defendant Leyva;

That the sentencing scheduled in this matter for May 4, 2020, be vacated and continued for a period of not less than 60 days. This stipulation is entered into for the following reasons:

1. The parties agree to the continuance;
 2. Defendant is currently in-custody and does not object to the continuance;
 3. The United States is currently in the grips of the COVID-19 pandemic with state and public institutions being shuttered at the direction of federal, state, and

local government to abate spread of the disease. On March 30, 2020 District of Nevada Chief Judge Du issued Temporary General Order 2020-05 finding that in-person hearings could seriously jeopardize public health and safety. This Order, and the “Coronavirus Aid, Relief, and Economic Security Act” (“CARES Act”), passed by Congress on March 27, 2020, do allow for changes of plea or sentencing to be conducted via video conference; but *only* in cases where it can be specifically found the hearing cannot be further delayed without serious harm to the interests of justice. See CARES Act, H.R. 748, Public Law No. 116-136.

4. The parties agree there are no case-specific-facts as to this matter where further delay would cause serious harm to the interests of justice. Given this, and the current circumstances relating to the pandemic, a continuance of the sentencing is appropriate.

5. This is the fourth request for continuance.

DATED this 28th day of April, 2020.

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Kevin Schiff
Kevin D. Schiff
Assistant United States Attorney

/s/ Thomas Ericsson
Thomas A. Ericsson, Esq.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:18-cr-00400-JAD-EJY

Plaintiff,

Order per Stipulation of the Parties

VS.

JAVIER LUGO LEYVA,

Defendant.

I. Findings of Fact

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The parties agrees to the continuance;
 2. Defendant is in-custody and does not object to the continuance;
 3. Pursuant to Temporary General Order 2020-05, issued by the Chief Judge of the District of Nevada, all in-person sentencing constitute a serious threat to public health;
 4. The parties agree there are no case specific facts where a delay in sentencing would seriously harm the interests of justice;
 5. The Court finds no specific reasons to conduct the sentencing hearing via video conference, and finds continuance is appropriate;

4. This is the fourth request for continuance.

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1 **II. Order**

2 It is ordered the sentencing currently scheduled for May 4, 2020, be vacated and
3 continued to July 20, 2020, at the hour of 10:00 a.m.

5 IT IS SO ORDERED

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7 THE HONORABLE JENNIFER A. DORSEY
8 UNITED STATES DISTRICT JUDGE

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DATED: 4/30/2020